

HIROSHI MIZOGUCHI

IBLA 72-163

Decided January 12, 1972

Appeal from decision (W 31472) of Wyoming state office, Bureau of Land Management, oil and gas lease offer rejected.

Affirmed.

Oil and Gas Leases: Applications: Generally

Where an oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the name of an additional party in interest, and the required statements of interest, copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional party are not filed within the time prescribed, strict compliance with the Department's regulations may not be waived to favor an applicant who pleads ignorance of the law or inexperience in oil and gas leasing.

Oil and Gas Leases: Applications: Sole Party in Interest

Where an oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the name of an additional party in interest, and the required statements of interest, copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional party are not filed within the time prescribed by the Department's regulations, the offer must be rejected.

APPEARANCES: Hiroshi Mizoguchi, pro se.

OPINION BY MR. HENRIQUES

Hiroshi Mizoguchi has appealed from a decision dated November 1, 1971, by which the Wyoming state office, Bureau of Land Management, rejected his noncompetitive oil and gas lease offer W 31472 for failure to comply with the provisions of 43 CFR 3102.7 (1971) (formerly 43 CFR 3123.2(c)(3)). The offer was filed on a drawing entry card, Form 3120-21, in the simultaneous filing procedures for oil and gas leasing. 43 CFR 3112.2 (1971).

The appellant states as reason for appeal that "I was unaware that the extent of interest held by each party of interest in the offer was to be indicated on Form 3120-21."

Mizoguchi executed the drawing card lease offer, the reverse side of which, under "Instructions", provides "NOTE: Compliance must be made with the provisions of 43 CFR 3123.2." On the reverse side of the offer, Mizoguchi indicated that another party in interest in the offer, and lease if issued, was Robert K. Sharkey.

The words clearly printed on the reverse side of the entry card constituted sufficient notice to the offeror (appellant) that more was required than simply the name and address of other parties in interest. The regulation cited on the entry card, 43 CFR 3123.2 (now 43 CFR 3102.7), provides, *inter alia*, that:

If there are other parties interested in the offer, a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. Failure to file the statement and written agreement within the time allowed will result in cancellation of any lease that may have been issued pursuant to the offer.

As Mizoguchi indicated an interested party in the lease offer, and did not submit the required showing within the time allowed, it was mandatory that the state office reject the lease offer.

With his appeal Mizoguchi has submitted a statement of interest showing that he and Sharkey each hold a 50% interest in the offer, and lease, if issued. It is noted that even this tardy effort to comply with the regulations is deficient in that Sharkey has not furnished evidence of his qualifications to hold such lease interest.

Rejection of a lease offer for failure to adhere to the requirements of the cited regulations is mandatory. Richard Hubbard, 78 I.D. 170 (1971); Thomas H. Mullinax, 4 IBLA 114 (November 24, 1971).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision appealed from is affirmed.

Douglas E. Henriques, Alternate Member

We concur:

Anne Poindexter Lewis, Member

Edward W. Stuebing, Member

